

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SPECIAL CLOSED SESSION DOCKET  
FOR  
MONDAY, APRIL 19, 2004  
AND  
TUESDAY, APRIL 20, 2004**

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**NOTE:** In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

CS-1 Phillip Ngo v. City of San Diego  
Claim No. AX03-0110-2960

HDCA assigned: Francis M. Devaney

This is a personal injury claim in which claimant contends that he was injured on February 24, 2003, in an automobile accident with a police car. Risk Management requests that the Mayor and City Council consider a possible settlement of this claim in Closed Session.

CS-2 Border Business Park v. City of San Diego  
Appellate Case No. D039225; SDSC Case No. GIC 692794  
Otay Acquisitions v. City of San Diego

SDSC Case No. GIC 753247  
National Enterprises, Inc. v. City of San Diego  
SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: Les Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego (City) regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. In closed session, the City Attorney will report on the status of on-going settlement negotiations and request further direction regarding those negotiations.

CS-3 Arena Group 2000 v. City of San Diego  
San Diego Superior Court No. GIC 825645

DCA assigned: David King

This matter is an action for breach of contract filed by Arena Group 2000 (AG) against the City of San Diego (City) regarding the lease of the Sports Arena by AG from the City. AG filed a complaint against the City based upon the City's failure to approve auto sales on the Sports Arena site, activity AG contends is permitted under the lease. In closed session, the City Attorney will report on the status of the litigation, discuss strategy regarding its progress, and seek any appropriate direction from the City Council.

CS-4 Chargers Football Company, LLC v. City of San Diego  
Los Angeles Superior Court No. BC 306 758

ACA assigned: Les Girard

This matter concerns the litigation filed by the San Diego Chargers (Chargers) against the City of San Diego (City), and the City's related cross complaint against the Chargers, over the validity of the "trigger" notice delivered to the City by the Chargers in March of 2003 pursuant to the 1995 agreement for the use of Qualcomm Stadium (1995 Agreement). In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation and the status of any additional discussions with the Chargers concerning a proposal made by certain private citizens to end the litigation and modify the 1995 Agreement. The City Council may give further direction to its attorneys and consultants with regard to the matter.

The proposal made by the private citizens would generally 1) require the Chargers to play at Qualcomm Stadium through the 2008 season; 2) permit the Chargers to play at the stadium on a year-to-year basis thereafter, but the Chargers could terminate the lease and leave San Diego; 3) eliminate the "ticket guarantee"; 4) require the Chargers to pay a flat rent of \$2 million per year through the 2008 season, and for each season the Chargers play at Qualcomm Stadium thereafter; and 5) if the Chargers terminate the lease after the 2008 season, the Chargers would pay the remaining principle on the City's bonds issued to improve the stadium in 1997, with a reduction in that payment if the lease is not terminated until after the 2011 season.

**Conference with Labor Negotiator, pursuant to Government Code section 54957.6:**

CS-5    Agency Negotiators:            Lamont Ewell, Cathy Lexin, Mike McGhee

Employee Organizations:            Municipal Employees Association, Local 127  
AFSCME, AFL-CIO, Local 145 International  
Association of Firefighters AFL-CIO, San Diego  
Police Officers Association

HDCA assigned: Chris Morris

In closed session, the City's negotiating team will review with the City Council the City's position with respect to: 1) health benefit plans, and 2) retirement survivor benefits and family leave benefits for domestic partners, and request instructions from the City Council as to those matters.

**Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:**

CS-6    Property:                                Qualcomm Stadium

City Negotiator:                        Council Member Michael Zucchet, Assistant City  
Attorney Leslie J. Girard, Deputy City Manager  
Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett,  
and Robert J. Kheel

Negotiating Party:                      City of San Diego and the San Diego Chargers

Under Negotiation:                    Real Property Interests at the Qualcomm Stadium  
site pursuant to the recommendations of the  
Citizens Task Force on Chargers Issues, and  
pursuant to the terms of Paragraph 3 1 of the 1995  
Agreement for the Partial Use and Occupancy of  
Qualcomm Stadium.

This matter involves negotiations authorized by the City Council in March of 2003 between the City of San Diego (City) and San Diego Chargers (Chargers) regarding the Qualcomm Stadium site, pursuant to both the recommendations of the Citizens' Task Force on Chargers Issues and the "Trigger Notice" sent to the City by the Chargers in March of 2003.

In closed session, the City's negotiating team will report to the City Council on the status of any additional discussions with the Chargers concerning a proposal made by certain private citizens to end the current litigation between the City and the Chargers, and modify the 1995 agreement for the use of Qualcomm Stadium by the Chargers. Please see the description on the closed session agenda under "pending litigation" - Chargers LLC v. City for a description of the proposal made by the private citizens.